

ORDINANCE NO. _____

An interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, prohibiting the issuance of building permits for the construction of single-family dwellings on RA, RE, RS, and R1 zoned lots in designated neighborhoods where the proposed construction does not meet certain neighborhood-specific criteria.

WHEREAS, this ordinance covers the following residential neighborhoods, the boundaries of which are delineated below:

1. Valley Village – Council District 2
2. South Hollywood – Council District 4
3. La Brea Hancock Neighborhood – Council District 4
4. The Oaks of Los Feliz – Council District 4
5. Miracle Mile – Council District 4
6. Larchmont Heights – Council District 4
7. Lower Council District 5 – Council District 5
8. Beverlywood – Council District 5
9. Inner Council District 5 – Council District 5
10. Fairfax Area – Council District 5
11. Bel Air – Council District 5
12. Faircrest Heights Neighborhood – Council District 10
13. Kentwood – Council District 11
14. Mar Vista/East Venice – Council District 11
15. Old Granada Hills – Council District 12

WHEREAS, these residential neighborhoods present unique blends of scale, massing, building setbacks, architectural styles and landscaping;

WHEREAS, a rapid increase of property values in these neighborhoods has accelerated a recent trend of property owners and developers tearing down original houses and replacing them with hulking, box-like structures or significantly remodeling existing structures with bulky two-story additions that are out of scale with neighboring properties;

WHEREAS, the proliferation of such construction poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors' privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; and

WHEREAS, the Department of City Planning is currently analyzing single-family zones as part of its comprehensive revision to the Zoning Code – re:code LA – to establish tailored single-family zoning that will provide better development predictability and limit residential structures that are incompatible with existing neighborhood character and scale.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. **DEFINITIONS.** For purposes of this ordinance, the following terms shall be construed as defined in this section. To the extent applicable, terms not defined here shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

PROJECT. The construction, erection, alteration of, or addition to a structure in a residentially zoned lot located wholly or partly within the areas identified in Section 2 of this ordinance. The term Project excludes improvements that do not increase an existing or prior-existing structure's Residential Floor Area, as defined in Section 12.03 of the LAMC.

Sec. 2. **INTERIM CONTROL AREA.** The provisions of this ordinance shall apply to all RA, RE, RS and R1 zoned lots located wholly or partly within the areas depicted by shaded areas on the attached maps:

1. Valley Village – Council District 2
2. South Hollywood – Council District 4
3. La Brea Hancock Neighborhood – Council District 4
4. The Oaks of Los Feliz – Council District 4
5. Miracle Mile – Council District 4
6. Larchmont Heights – Council District 4
7. Lower Council District 5 – Council District 5
8. Beverlywood – Council District 5
9. Inner Council District 5 – Council District 5
10. Fairfax Area – Council District 5
11. Bel Air – Council District 5
12. Faircrest Heights Neighborhood – Council District 10
13. Kentwood – Council District 11
14. Mar Vista/East Venice – Council District 11
15. Old Granada Hills – Council District 12

Sec. 3. **PROHIBITION.**

A. Valley Village. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Valley Village unless the proposed structure complies with the regulations set forth in the adjacent Studio City Residential Floor Area District (Ordinance No. 182048).

B. South Hollywood, La Brea Hancock Neighborhood, Miracle Mile, Larchmont Heights, and Old Granada Hills. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in South Hollywood, La Brea Hancock Neighborhood, Miracle Mile, Mar Vista, or Old Granada Hills unless the proposed structure's Residential Floor Area does not exceed 120% of the prior or existing structure's Residential Floor Area. The prohibition specified in this paragraph shall not apply where there has been no single-family dwelling on a lot in the five years before the effective date of this ordinance.

C. The Oaks of Los Feliz. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in the Oaks of Los Feliz on a Hillside Area lot unless the proposed structure's Residential Floor Area, which shall include the floor area of any new basement, does not exceed the base Residential Floor Area set forth in the Zoning Code.

D. Lower Council District 5, Kentwood, and Mar Vista/East Venice. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Lower Council District 5, Kentwood, or Mar Vista/East Venice unless the proposed structure's Residential Floor Area—without exceptions for required covered parking; detached accessory buildings; porches, patios and breezeways; and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. No Residential Floor Area bonus shall be allowed for green building, proportional stories, or front façade articulation.

E. Beverlywood, Inner Council District 5, and Fairfax Area. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Beverlywood, Inner Council District 5, or Fairfax Area unless the proposed structure's Residential Floor Area—without exceptions for detached accessory buildings and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. Residential Floor Area bonuses permitted by the Zoning Code shall be limited to 15% of the maximum Residential Floor Area.

F. Bel Air. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Bel Air on a Hillside Area lot where the exempted grading under Section 12.21.C.10(f)(3)(i) of the LAMC exceeds 6,000 cubic yards.

G. Faircrest Heights Neighborhood. Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Faircrest Heights Neighborhood unless the proposed structure complies with the regulations set forth in the Beverly Grove Residential Floor Area District (Ordinance No. 182754).

Sec. 4. **EXCEPTIONS.**

A. The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for either of the following purposes:

1. To comply with an order issued by the Department of Building and Safety to repair, remove or demolish an unsafe building or substandard condition; or

2. To rebuild a structure destroyed by fire, earthquake or other natural disaster, provided that the development is not prohibited by any other provision of the LAMC.

B. The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for a Project that satisfies all of the following conditions:

1. Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety before the effective date of this ordinance, subject to the time limits set forth in section 12.26.A.3 of the LAMC;

2. A plan check fee was collected before the effective date of this ordinance; and

3. No subsequent changes have been made to those plans that increase or decrease the height, floor area, or occupant load by more than five percent, that change the use; or that violate the Zoning Code regulations in effect on the date that the plan check fee was paid.

C. The prohibitions specified in Section 3 of this ordinance shall not apply to Projects that involve the construction, redevelopment, rehabilitation or renovation of multifamily housing. Multifamily housing includes two-family dwellings, multiple dwellings, group dwellings and apartment houses.

Sec. 5. **HARDSHIP EXEMPTIONS.** The City Council, by resolution, may grant an exemption from the provisions of this ordinance in cases of extreme hardship duly established to the City Council's satisfaction. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 6. **DURATION OF ORDINANCE.** This ordinance shall be in force and effect for 45 days from its date of adoption. The City Council may extend this ordinance for 22 months and 15 days. Any extension shall be based on the City Council finding that the proliferation of hulking, box-like structures in certain residential neighborhoods continues to pose a current and immediate threat to the public health, safety or welfare.

Sec. 7. **APPLICABILITY OF ZONING CODE.** The provisions of this ordinance supplement those set forth in LAMC, Chapter 1 ("Planning and Zoning Code") and any other City ordinance, and do not confer any right or benefit not otherwise conferred under existing law.

Sec. 8. **SEVERABILITY.** If any provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this ordinance that can be implemented without the invalid provision. To this end, the provisions of this ordinance are severable.

Sec. 9. **SAVINGS CLAUSE.** The provisions of this ordinance do not apply to the extent that their application would result in a taking requiring compensation, would deprive any person of constitutional or statutory rights or privileges, or would otherwise be inconsistent with state or federal law.

Sec. 10. **URGENCY CLAUSE.** The City Council finds that the proliferation of towering, box-like structures in certain residential neighborhoods poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors' privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; and that the continued processing of building permits will result in that threat to the public welfare.

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than four-fifths** of all of its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
SARO BALIAN
Deputy City Attorney

Date 2-20-15

File No. _____